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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 6 p.m.

Chairperson: Ms. MOTOC

CONTENTS

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (continued)

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GE.00-15243 (E)

The meeting was called to order at 6.10 p.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/2000/10, E/CN.4/Sub.2/2000/27-28)

1. Mr. WAIDANDEY (World Peace Council) said that the first prerequisite for the preservation of the rights of minorities and the elimination of discrimination against them was that the society in which they lived should ensure equality of treatment and of rights, responsibilities and opportunities. Unfortunately, programmes to benefit minorities had often been so pursued as to cause resentment among minority and majority groups alike. One reason adduced by Dr. Baba-Saheb Ambedkar, the chief architect of India's Constitution and a champion of the scheduled castes and scheduled tribes, was that both groups had followed a wrong path: it was wrong for the majority to deny the existence of minorities, but equally wrong for the latter to perpetuate themselves. A solution was required that, inter alia, would enable minorities and majorities to merge. Accordingly, while majority rights required legal and constitutional safeguards, other groups must be educated about them without inferring that minorities wished to usurp majority rights.

2. Unfortunately, the media and the Internet, which could help so much to harmonize the aspirations of minority and majority groups, had played a divisive role - probably made worse, in the case of the Internet, by its attraction for the impressionable younger generation. And although the basic tenets of the world's major religions made no distinction among people based on their descent, there were some sects which falsely claimed to recognize a distinction, such as certain Indian Christians who falsely claimed to be untouchables although true Christianity recognized no such caste system.

3. Preparation for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance must concentrate on drawing up programmes to portray minorities in a positive light so that it would not become an arena of conflict for minority and majority groups and nation States. Denunciations of State structures could only reduce, not increase, the space available to minorities.

4. Ms. MacDONALD (International Save the Children Alliance) welcomed the attention paid by the United Nations and other international and regional agencies to Travellers and the Roma, whose human rights had long been ignored in Scotland, Northern Ireland and the rest of Europe. Their traditional culture, beliefs and language, handed down for generations and based on a nomadic lifestyle, were regarded by local and other authorities as a "problem". Their desire for freedom of movement was misunderstood; the sites they were expected to use in some areas were virtual concentration camps, but to dwell elsewhere meant having to live without basic services such as water and electricity. Verbal abuse was common, as was the denial of adequate medical attention; educational opportunities were meagre and often segregated; suspicion by the police and disparagement in the media were commonplace. In 1989, a government health survey in Northern Ireland had shown that Traveller children under 10 years of age were 10 times more likely to die than settled children. Although the 1997 Race Relations Order in Northern Ireland had recognized Irish Travellers, for the first time, as a distinct ethnic minority group and the new Scottish Parliament represented an opportunity to address the inequalities and discrimination faced by Travellers, little had changed in practice.

5. The United Nations, and the Sub-Commission in particular, were requested to urge Governments to recognize Travellers' unconditional rights, actively involve Travellers and Roma in all decision-making that affected their lives and promote an international public education campaign with a view to removing prejudice towards them.

6. Ms. DAES welcomed the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27). The work carried out by the Group continued to be of vital importance because many minorities continued to suffer persecution. The commentary on the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities would prove to be essential for the interpretation of the Declaration's provisions - a matter to which she had referred in connection with the draft United Nations declaration on the rights of indigenous peoples.

7. She agreed on the various spheres of action mentioned in paragraph 100 of the report concerning the Working Group's future role and endorsed the conclusions and recommendations set out in part VI.

8. Mr. BHAN (International Institute for Peace) said that democracy, however imperfect, was the only political system that recognized equality for all. Since mankind's heterogeneity had been one of its primary strengths, it was essential for every society that each group and individual should be able to make the best possible contribution and not have to waste effort on self-protection. Unfortunately, the laws and institutions of certain nation States discriminated against some groups, reducing them to the status of second-class citizens, with resultant tension and even sectarian violence, as well as demands for linguistic, cultural and economic rights in the guise of self-determination. There were occasions, even in the strongest democracies, when some minority group was dissatisfied with the current Government; but the strength of true democratic structures was that any misgivings and problems could be addressed openly and that any ill-treatment of minorities incurred State penalties. The real problem currently faced by democracies was the incitement of their minorities to armed insurgency, on issues of religion and race, by inimical Powers. Perhaps the most alarming example was the sanctioning of terrorism and violence against India by the Chief Executive of Pakistan, who had described action by terrorist groups against Indian interests as a religious duty.

9. If minorities everywhere were to be protected, nations with discriminatory constitutional, legal and institutional structures should be advised to reform them, punitive action should be taken against States which sought to encourage violence by minorities in other States and appreciation of the equality of all human beings should be instilled at an early age.

10. Ms. ROBERT (Médicins du Monde - International) said that the Romeurope network, a group of several organizations meeting on the initiative of Médicins du Monde, had been studying the disturbing health situation of the Roma. According to estimates made in Spain, France and Greece in 1999, the premature birth mortality rate stood at 19 per thousand, compared to 2.2 per thousand in France in 1996, the infant mortality rate being roughly 23.5 per thousand, as against 4.8 per thousand in France in 1996. Life expectancy was also considerably lower than the national average for European Union countries. The health prerequisites set forth in the 1986 WHO Ottawa Charter for Health Promotion were cruelly lacking for many Roma groups. The reasons were clear: lack of access to basic services, separateness, expulsion,

limited access to jobs and low levels of education and training. As noted in the working paper on the human rights problems and protection of the Roma (E/CN.4/Sub.2/2000/28), the Roma (Gypsy) minority suffered from widespread discrimination and, at times, persecution and violence. Even in European Union countries, indifference to health conditions of the Roma (Gypsies) - for example, the lack of medical attention for persons without residence permits - had prompted her organization to initiate vaccination and other measures against tuberculosis, meningitis and hepatitis. Her organization and the Romeurope network had made available an expert study of conditions in Spain, France and Greece in that regard; they were also organizing two symposiums, to be held in October and November 2000, on the situation of the Roma.

11. It was essential that the Roma should play a part in any measures taken with a view to the promotion and protection of their human rights and that States should face up to their obligations in preventing discrimination and ensuring health protection for minorities. The interest currently being shown in that group was welcome and should be accompanied by further studies and recommendations designed to put an end to violations of their human rights. Her organization supported the working paper contained in document E/CN.4/Sub 2/2000/28 and encouraged the Sub-Commission to continue its pioneering work in that regard.

12. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) welcomed the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28), which raised a number of issues of concern to her organization and its partner, the Central Council of German Sinti and Roma. The second sentence in paragraph 38 of the working paper seemed highly discriminatory, however, since it implied that the Roma did not respect the laws of the countries where they resided. The assumptions underlying such a comment reflected the long-standing discrimination to be seen in the policies of the countries concerned. Since the Sinti and Roma were often classified as "marginalized social groups" and their issues treated as "social problems", their rights were often inadequately protected as compared to those of groups categorized as "national minorities" - a problem reflected in the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Her organization therefore strongly recommended that Mr. Sik Yuen should continue to study the subject, taking into account, inter alia, the different situations faced by groups in different countries, often assembled under the single term "Roma", the status of the application of relevant international and regional standards to their situation and the use of prejudicial terminology.

13. Other peoples in addition to the Roma minority, such as the Dalits in South Asia and the Burakumin in Japan, were denied the applicability of international standards. In that connection, her organization welcomed the Sub-Commission's adoption, without a vote, of draft resolution E/CN.4/Sub.2/2000/L.14 on discrimination based on work and descent.

14. Mr. FATTORINI (Movement against Racism and for Friendship among Peoples), referring to the working paper submitted by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28), said that the long-standing situation of discrimination against the Roma, which had been a subject of attention by the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe and was reflected in a growing number of reported instances throughout Europe, could no longer be ignored.

15. In Romania, the Roma had been slandered as criminals. In the Czech Republic, they had been discriminated against in terms of citizenship rights and documentation and even demonized in an Internet video game; and, despite a government ruling, the wall built around the Roma quarter in the town of Usti nad Labem had not yet been pulled down. In Hungary, Roma families were being expelled from their homes in the town of Ózd to make room for a planned development for higher-income families. In France, the authorities were delaying the implementation of a law on reception areas for Travellers. In Spain, Gypsy children had been refused admission to a school. In Belgium, the Foreign Ministry had urged the Czech Government to improve the domestic living conditions of Roma and thus reduce the number of asylum-seekers, but there had been disturbing articles in the Belgian press about a possible entry ban on Slovak Roma. In Germany, Roma travellers were required to have a minimum amount of money in order to enter the country. The situation in Europe was so serious that the Committee on the Elimination of Racial Discrimination had devoted a day and a half to discussing it. His organization invited the Sub-Commission to undertake a further study on the causes of and responsibility for discrimination against the Roma and on measures to compensate them for the losses and injury they had suffered.

16. Mr. SIK YUEN said that he welcomed constructive criticism of his working paper, but felt that the concern expressed by a previous speaker about the second sentence of paragraph 38 might have arisen out of a misunderstanding of the words "to be perceived". He had tried at all times to be objective and fair and, in all fairness, he had to state that the Roma themselves often courted criticism and acted uncooperatively in ways that did not help their cause. Only if all sides respected the rules could understanding and progress be achieved.

17. Mr. OGURTSEV welcomed the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27). The Working Group's work was of the utmost importance and must be further encouraged, particularly in continuing dialogue with regional forums dealing with the human rights of minorities, such as the OSCE High Commissioner for Minority Affairs, the Council of Europe and the Council of Baltic States, to mention but some in Europe. It would also be mutually advantageous to promote the involvement of non-governmental and intergovernmental groups. He endorsed the appeal the Working Group had made to the High Commissioner for Human Rights in paragraph 121 of the report to organize a seminar for representatives of global and regional organizations, treaty bodies and specialized agencies to discuss the issues connected with their respective work on the protection of minorities and improve coordination so as to reduce duplication of work. Such a gathering would also help to enhance coordination among the relevant United Nations bodies, which was essential in order to avoid weakening the overall effort in the field of human rights. The Sub-Commission should therefore support the proposal more decisively.

18. He also supported the request for funding to employ a person full-time in the Office of the High Commissioner for Human Rights, as mentioned in paragraph 118 of the report, to deal with the rights of persons belonging to minorities. Such a measure would be in line with the spirit of resolutions recently adopted by the Commission on Human Rights for the strengthening of the Office of the High Commissioner.

19. Mr. BENGOA welcomed the working paper prepared by Mr. Sik Yuen on the human rights problems and protection of the Roma (E/CN.4/Sub.2/2000/28). Among the issues raised,

one basic problem was that of integration. As in all situations involving nomadic and travelling peoples on all continents, the challenge was to safeguard their time-honoured culture while enabling them to enjoy the benefits of the modern world. There was a need to find ways that would preserve the diversity of human life and culture while ensuring equality and other rights for minorities. In the case of the Roma, the working paper showed that the challenge had been taken up and he hoped that the work it reflected would be continued.

20. Ms. AKGÖNENC (Society for Threatened Peoples) said that Turkey was a developing country that had progressed steadily since 1923, but still lagged behind in protecting human rights and developing democratic institutions. In south-east Turkey, conflict between terrorist and security forces had caused some 2.5 million people to migrate; the resulting poverty and suffering had often been referred to as the Kurdish problem, but in reality affected everyone. In Turkey, politicians, writers, media personalities and intellectuals faced severe limitations on freedom of thought and expression. Examples included that of the sociologist Ismail Besikci, who had been sentenced to 100 years' imprisonment because of his different approach to the Kurdish problem. Since 1946, the State had banned over 50 political parties; various associations and unions suffered constraints; the media were subject to prohibitions; and one political party that had received record voting support had been banned on flimsy legal grounds currently being reviewed by the European Court of Human Rights.

21. Her organization requested the Sub-Commission to remind Turkey of its human rights obligations in all aspects and invited United Nations agencies to express their concern about gross violations of human rights in Turkey and to urge the establishment and implementation of a fair legal system in that country.

22. Mr. NAQASHBANDI (Muslim World League) said that the dawn of a new century was an opportunity to reinforce the ideas enshrined in the Universal Declaration of Human Rights. The first step should be to proclaim that "majoritarianism" based on religion had no place in the comity of nations; unfortunately, it held sway in India, where a Hindu fundamentalist Government fomented hostility towards religious minorities, particularly Christians and Muslims. Over the past two years, elements belonging to Sang Parivar had been involved in acts of violence, including killing, rape and pillage, against those of other religions. The current Government had not only ignored, but actively supported those acts. In its latest report, released in October 1999, Human Rights Watch had testified to such attacks, noting that the causes were linked to the creation of a Hindu nation. The report had categorically blamed Sang Parivar and its partners. Unfortunately, such gross and systematic violations of human rights were not mentioned in a single United Nations document, despite all the evidence collected by reputable Indian and international organizations. Moreover, certain non-governmental organizations, from India and elsewhere, wrongly projected Islam as the prime source of religious discrimination.

23. His organization urged NGOs to produce an independent report on the plight of Muslim, Christian and other minorities in India; it also urged the Sub-Commission to take immediate note of the situation and recommend to the Indian Government that it should take firm steps to protect minorities, seek explanations about the persecution of minorities and appoint a special rapporteur on the situation of minorities in India.

24. Mr. AHMAD (World Muslim Congress) said that more than 150 incidents of violence against Christians in India had been reported over the past two years. For members of India's Muslim minority, however, religious intolerance was nothing new. Their plight had been largely ignored by the international media and was consequently little known to the outside world. They had constantly been subjected to detrimental propaganda and the use of draconian laws. Statistics spoke for themselves: Muslims, the country's largest religious minority, formed 15 per cent of India's population, but, for example, their share in the Indian police service was 2.7 per cent, in the Indian administrative service, 3.2 per cent and in the foreign service, 3.3 per cent; of directorships in public and private limited companies, their share was 1.7 per cent and 1.4 per cent, respectively; 46 per cent of Indian Muslims lived below the poverty line, compared to the national average of 33 per cent. Their representation in elected bodies continued to decline sharply.

25. The country's ruling Bharatya Janata Party was a conglomerate of extremists and fundamentalists which openly condoned anti-Muslim activity, but calls for respect for the constitutional rights of Muslims were deemed anti-State activities. Muslims and Christians had been part of Indian society for over 1,000 years and were not pseudo minorities seeking advantage through false representation in the international arena. It was hard to explain the reason for the hostility against them - unless it was the influence of the movement for reconversion to Hinduism. Such proselytism had shown its potential for human conflict and had been condemned by Mahatma Ghandi himself. The Sub-Commission should examine the whole question of its effect on human rights norms and draw the Indian authorities' attention to their obligations under the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

26. Mr. KOHLI (Indian Council of Education) congratulated the Working Group on Minorities on its participation in the Seminar on Multicultural and Intercultural Education, referred to in part III of the report on its sixth session (E/CN.4/Sub.2/2000/27) and urged it to continue such work by urging States to adopt effective policies in that regard. It had been estimated that, since 1945, ethnic conflicts had claimed some 16 million lives - several times more than those lost in inter-State wars. The bloodshed in Northern Ireland, South Africa, Rwanda, Yugoslavia, Sri Lanka, India and Pakistan, to name but some ethnic trouble-spots around the world, had posed a serious challenge. History showed that the key to any solution was to bring about reconciliation and reconstruction in ethnically divided societies; the idea of creating States on an ethnic basis had not been very fruitful.

27. Multiculturalism had emerged as a major theme in many plural societies, emphasizing the accommodation of differences based on race, religion, language, culture and habitat. It was opposed to any amalgamation in which each ethnic group contributed something, but lost its identity; and it recognized the contribution made by minority ethnic groups to a national heritage. In many countries, however, the notion was taken to mean only constitutional equality, to which effect was given by measures such as provision for the teaching of minority languages. True multicultural policy called for a decentralized, democratic, political structure, and that was one reason why authoritarian regimes, however much they might profess to support multiculturalism, were by nature its antithesis.

28. He urged the Working Group to stress the relationship between multiculturalism and democracy, since only through the latter could the values of the former be consolidated.

29. Mr. MATTALITI (Observer for Indonesia) said that the Indonesian nation had been built from the outset on plurality and the existence and rights of minorities were recognized and fully respected. President Abdurrahman Wahid was well known for his pluralist vision and had recently reiterated, when presenting a Government progress report to the Indonesian Peoples' Assembly, that ethnic, religious, cultural and linguistic tolerance was one of the principles of his Government. An example of the current advances was the revocation of Presidential Decree No. 14/1967, which had, for over three decades, restricted the observance of Chinese beliefs and customs.

30. The commendable progress achieved by the Working Group on Minorities had enabled it to identify the challenges facing Governments in promoting and protecting minorities, although some issues, such as conflict prevention, remained to be formulated. His delegation endorsed the recommendation relating to further work on a database and believed that intercultural and multicultural education was important for ensuring the protection of minorities.

31. The Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities contained no definition of a minority. In that regard, his delegation noted with interest the working definition introduced by the Chairperson-Rapporteur of the Working Group. The issue of minorities was, however, not simply a matter of numbers but a question of tolerance and respect in a specific society and socio-political setting. Steps should at least be taken to establish criteria to provide a better understanding of what constituted a minority whose rights should be protected. That alone, of course, would not guarantee the protection of such rights; the United Nations should therefore develop a convention on minorities together with a body to monitor implementation.

32. Disregard for the rights of religious minorities in many parts of the world remained a cause for concern and warranted attention by the Working Group, whose study of the matter would not necessarily duplicate the work of the Special Rapporteur of the Commission on Human Rights on religious intolerance.

33. Mr. GUISSÉ said that the work of the Working Group on Minorities reflected the need to establish and develop a suitable framework for measures to ensure the protection of minority rights. From the outset, however, he had considered that the task of defining a minority was virtually impossible and perhaps even futile, although he would not oppose attempts to do so. The real need was for a framework embracing all elements which would serve to identify a group, not for a precise definition which would be somewhat academic and of little practical use. He recalled that, when the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities was being prepared, there had been widespread misunderstanding about the notion of national minorities and he was sure that many of those belonging to such groups would have preferred to be defined simply as a minority. There had to be a set of elements which would make it possible to identify a group as a minority in a given case. Since such a framework was less restrictive than a definition, it would be a more effective means of helping countries promote and protect the rights of minorities living in their territories.

34. The notion of minority rights was not, however, synonymous with self-determination; the latter concept, as reflected in the relevant international instruments, had been based on the aspirations of peoples under colonial rule and other forms of foreign domination and did not reflect the issues involved in respect of groups which, while striving to preserve their particular language, culture, religion and traditions, sought to participate in the overall development of the society of which they were an integral part. The promotion and protection of a minority's rights should therefore be viewed in the context of an appropriate national structure and legislation; the assertion of minority rights was not to be equated with separatism.

35. Mr. SOMOL (Observer for the Czech Republic) said that his delegation welcomed the Sub-Commission's decision to entrust Mr. Sik Yuen with preparing an informal working paper on human rights problems and the protection of the Roma and was increasingly interested in the attention the United Nations was giving to that topic. The reports of several States, including his own, which were parties to the Convention on the Elimination of Racial Discrimination had touched on the subject, which had been discussed in the relevant Committee, the latter having set aside two days of its next session for a thematic discussion of the situation. A great deal of information was available about the Roma in European countries and the activities of the relevant regional bodies, but not about the Roma outside Europe.

36. It would be extremely helpful if the future feasibility study, which his country fully supported, also provided positive models of the "best practices" of States in dealing with a large Roma population rather than citing bad examples only; it should also show what practical measures States had taken and analyse the respective advantages and disadvantages. Areas of concern should include measures to eliminate racial discrimination and promote the social integration of the Roma, including their international political representation; the possibility of strengthening the self-identification of the Roma as a group should also be addressed. His delegation was ready to cooperate fully in such tasks.

37. Mr. HUSSEIN (Observer for Iraq) said that national minority groups in his country had a long history of peaceful coexistence as part of the national heritage and their rights in all fields, such as education, employment, health and entry into the public service, were fully guaranteed. For example, article 19 of the 1970 Constitution stated that all Iraqis were equal before the law, without distinction; article 5 noted that the Iraqi people consisted of two major national groups, Arabic and Kurdish, and enshrined the rights of Kurdish and other minorities. Moreover, Law No. 36 of 1974 granted the Kurdish minority autonomy in their region, including their own legislative and executive councils, as well as social, cultural and media institutions, and recognized Kurdish as one of the major languages in the region in addition to Arabic. Other legislation, such as Law No. 89 of 1970 and Law No. 251 of 1974, guaranteed the rights of Turkoman, Syriac, Armenian, Assyrian and other minorities to exercise their respective social, cultural and intellectual rights in addition to all the rights deriving from Iraqi citizenship.

38. As any objective observer could see, Iraq's measures to uphold the rights of minorities on its territory went beyond the requirements of the relevant international instruments and its experience and practice in that regard served as a benchmark in the Middle East. On the other hand, Iraq rejected the misuse of the term "minority" as a pretext for secessionist movements or foreign interference and the development within the national territory of illegal activities such as drug trafficking - problems which the Working Group on Minorities should study meticulously.

In that regard, the policy being pursued by the United States and United Kingdom Governments in certain areas of Iraq, especially where Kurds lived, had led to destabilizaton and had disrupted government administration, which was being usurped by armed militias. The resultant material losses had been put at US$ 20 billion and the humanitarian loss was untold. Such outside interference in the internal affairs of a sovereign State contravened the Charter of the United Nations and international law.

39. Mr. MUSAYEV (Observer for Azerbaijan) said that Azerbaijan was a multi-ethnic country whose national policy paid due regard to the legitimate interests of minorities; the latter enjoyed equal citizenship rights and were able to participate in all areas of activity. In exercising those rights they were nevertheless expected to observe national legislation and the rights of others. As the Chairperson-Rapporteur of the Working Group had said with regard to the problems of minorities, one frequent mistake was to assume that only the Government - or the majority - was to blame and that adaptation had to come only from that side. It had also been observed that there were currently several minorities in the world that pursued extremely provocative and violent policies. Disregard for the principles of international law, particularly sovereign equality, territorial integrity and the political independence of States, by a minority and a so-called "mother country" or other external factor was a common cause of conflict, often exacerbated by attempts by one State to further its aggressive policies towards another in the guise of some ethnic group's struggle for self-determination. In some reports submitted by States parties pursuant to the International Covenant on Civil and Political Rights, the right protected under article 27, was confused with the right to self-determination proclaimed in article 1. In that regard, the Human Rights Committee, in a general comment on article 27, had drawn attention to the distinction. The Sub-Commission and the Working Group on Minorities should therefore pay more attention in future studies to issues such as direct or indirect external participation involving minorities and to the latter's duties to the society at large.

40. Mr. PETÖCZ (Observer for Slovakia) said that, during the Working Group's sixth session, some participants had questioned the use of the term "national minority" in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, arguing that it was a contradiction because, in most western languages, the term "nation" was used as a synonym for "State". In central and eastern Europe, in particular, however, the term "nation" in most languages and political concepts meant a large ethnic community with social, cultural and political internal organization and, especially, its own language. State territories rarely coincided with those inhabited by an ethnic nation and some communities lived in States that were not even contiguous; it would therefore be strange to presume that their recognition as national minorities meant that they were seeking unification with their parent nation.

41. The International Bill of Human Rights provided no binding definition of the terms "people", "nation" and "minority" and the only way to preserve the universality of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities was to include and reflect all possible concepts of belonging to a minority. In that regard, the terms "national", "ethnic", "religious" and "linguistic" used in the Declaration were fully in keeping with article 27 of the International Covenant on Civil and Political Rights.

42. The Roma in eastern Europe, although distinct from the majority population in terms of lifestyle and culture, lacked certain important features of indigenous peoples, such as adherence to the land; nor did they have their own codified, standardized language or, as yet, comprehensive social, cultural and political structures. Nevertheless, the Slovak Government had granted the Roma the same constitutional status as other national minorities in the country. The current Government was striving to narrow the divide between the Roma and the rest of the population and to eliminate the prejudice that still existed on both sides; details could be found in document CERD/C/328/Add.1 submitted to the Committee on the Elimination of Racial Discrimination.

43. Ms. GEVORGIAN (Observer for Armenia) said that her country deemed the promotion and protection of minority rights, as provided for in article 27 of the International Covenant on Civil and Political Rights, of paramount importance. All minorities living in Armenia - Russians, Ukrainians, Kurds, Greeks, Jews and Assyrians - enjoyed the rights and freedoms granted by the Constitution to all citizens without distinction. The Government had recently set up a National Council for Minorities to discuss issues through consultations and joint meetings. Minorities were free to establish national schools, use their own language, broadcast programmes and have their own press. By developing their specific cultural, religious and social identity, they contributed to the country's overall wealth. Armenians who had settled in other countries following the 1915 genocide, which had been committed by the then Ottoman Empire and during which 1.5 million Armenians had been exterminated or deported, had been fully integrated into the political, social and cultural life of the host countries, contributing to the welfare of those countries as successful citizens. It was therefore unfortunate that some claims by minorities for their legitimate rights had been deemed unlawful nationalism and cruelly suppressed. Instead of promoting a modern, multicultural society, the single-culture policies of some States had led to total assimilation, contrary to the most elementary concepts of minority rights. Armenia strongly condemned the violation of all minority rights, particularly the biased approach adopted by some States. On the other hand, it valued the work of the Sub-Commission's working groups, which continued to highlight the importance of defining, protecting and promoting those rights.

44. Ms. SHKURTI (Observer for Albania) said that Albania was one of Europe's most homogenous countries. It had two recognized national minorities, Greek and Macedonian, representing 2 per cent of the total population as at the latest registration in 1989. Relations with minorities had always been characterized by mutual understanding and respect, as demonstrated by the fact that, in Albania, unlike elsewhere, there had been more Jews after the Second World War than before it. Even under a dictatorial regime, the status of national minorities had always been at least as high as that of other Albanian citizens. That was why efforts by certain political circles to create divisions had always failed. The current Government's measures to establish the democratic rule of law also aimed at improving the situation of national minorities. The 1998 Constitution prohibited discrimination against them and provided for criminal proceedings in respect of incitement of hatred among nationalities, races and religions.

45. Albania was a party to many international instruments relating to the rights of minorities and had recently ratified the Council of Europe's Framework Convention for the Protection of National Minorities. The rights of persons belonging to national minorities included the use of their own language at all levels of education and the publication of newspapers and periodicals in

their language. The Government cooperated with the Governments of neighbouring countries to promote cross-border exchanges so that persons belonging to national minorities could maintain links with those in other countries. The Office of Minorities, which had recently been set up in the Ministry of Foreign Affairs, was ready to collaborate with Governments and national and international bodies to deal with issues relating to minorities as part of a policy of creating a peaceful climate in the Balkans.

46. Mr. SABHARWAL (Observer for India) said that global civilization was enriched by diversity. At a time of increasing pluralism, there was a greater need for tolerance and understanding on the part of all, but the recrudescence of various forms of exclusivism, bigotry, hatred and intolerance, with the attendant danger of violence and terror, often in the name of distorted religious values, was particularly worrying. The response to those dangers was to be found within a democratic framework providing for equality under the rule of law. In India, diversity made definitions of majority and minority especially difficult; linguistic groups, for example, cut across ethnic and religious lines. India's minorities were therefore chiefly defined by religion. The Constitution guaranteed freedom of religion and provided special safeguards for the rights of minorities, including the right to have a distinct language, script and culture and to establish and administer their own educational institutions. As a further safeguard, a Minorities Commission had existed since 1979 and had become a statutory body in 1992.

47. Despite constitutional safeguards and the country's long history of tolerance, regrettable incidents of violence against members of minority communities sometimes occurred. The Government had always strongly condemned such incidents and taken prompt measures to prosecute offenders. It had repeatedly made it clear that bigotry would not be tolerated. Fortunately, all sectors of society remained determined to uphold tolerance and social harmony.

48. His delegation appreciated the efforts of the Working Group on Minorities and encouraged it to continue its work as a forum for study and analysis. It should, however, guard against becoming a complaints mechanism, for that would undermine its potential while duplicating the work of other human rights bodies.

49. Mr. AHSAN (Asian Buddhist Conference for Peace) said that more than 22 million people belonging to the Mohajir minority community in Sindh province, southern Pakistan, had been subjected to gross violations of their human rights by successive ethnic Punjabi-dominated Governments. The atrocities included near-genocide, extrajudicial executions, unlawful arrests and detentions and torture in custody. As indicated in the report of the Working Group on Minorities, Pakistan had come under severe criticism for cases such as those mentioned by Franciscans International relating to blasphemy laws and the separate electoral system.

50. Mr. WEISSBRODT, speaking on a point of order, said that speakers should be careful about making allegations of genocide.

51. Mr. AHSAN (Asian Buddhist Conference for Peace) said that the ruling Punjabi groups continued to prevent the country's largest ethno-linguistic minority from participating in decision-making and power-sharing. He invited the Sub-Commission to examine the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions

(E/CN.4/1998/68/Add.1) and the Special Rapporteur on the question of torture (E/CN.4/1998/38/Add.1), as well as a draft resolution submitted at a previous session of the Sub-Commission (E/CN.4/Sub.2/1997/L.22) and other relevant Commission documents.

52. The case of Dr. Farooq Sattar, who had been sentenced to 14 years' imprisonment on fabricated charges, was a glaring example of the suppression of Mohajirs when they sought to exercise their human rights. His delegation urged the Sub-Commission to persuade the Government of Pakistan to end the repression of the Mohajirs and grant them their democratic right to justice, equality and a share in decision-making. The Mohajirs were entitled, in fact, to demand autonomous status for Sindh province; several members of the Working Group had expressed the view that autonomy was a viable political alternative to the discriminatory treatment of minorities.

53. Mr. MERIÇ (Observer for Turkey), speaking in exercise of the right of reply at the invitation of the Chairperson, said that his delegation had listened very carefully to the allegations made by the Society for Threatened Peoples. Turkey was a pluralist democratic country with no restrictions on political activities except those aimed against the constitutional order and State integrity. Everyone had equal rights and responsibilities and no political party had the right or power to change the State order in furtherance of political aims. Democracy, while based on the free expression of opinion, was, however, not a licence to abuse established rights with a view to the destruction of public order.

54. He had already replied to allegations about displaced persons at an earlier meeting during the Sub-Commission's current session.

55. Mr. KHAN (Observer for Pakistan), speaking in exercise of the right of reply, said that his delegation failed to understand why Franciscans International, a respected non-governmental organization, should have focused so intensively on the alleged situation of minorities in Pakistan, especially since no question of violence had been raised. The separate electoral system, one of the issues raised, was an affirmative action that gave minorities, which constituted only 3 per cent of the total population, a degree of representation they would otherwise lack. It should be recalled that, in the days of the British Raj, a separate electorate had been one of the Muslims' major demands. It was surprising that the NGO concerned had not said anything about the horrendous situation of Christians in a neighbouring country. With regard to allegations concerning massacres in the occupied territory of Kashmir, he referred the Sub-Commission to a report prepared by an independent Indian commission.

56. Ms. HAMPSON, speaking on a point of order, said that the issue just mentioned had already been raised. Moreover, speakers should be reminded not to talk about events in territory outside their authorities' control.

57. Mr. KHAN (Observer for Pakistan) said that his statement was simply a response to an NGO's allegations about Pakistan's involvement in the events concerned. He stressed that Pakistan had not been involved, directly or indirectly, and that his reply was not intended as an attack on any other State.

58. Mr. EIDE said that discussion of the Working Group's report (E/CN.4/Sub.2/2000/27) had been interesting and fruitful. Comments on the Working Group's efforts had in general reflected satisfaction; he was particularly gratified by a reference to the Group's combination of prudence and dynamism. Some speakers had focused on thematic issues and others on specific situations. Many NGOs had spoken on the latter and one common point raised was the need not simply to advocate tolerance, but to teach the benefits of diversity; multicultural and intercultural education was especially valuable in that regard. Other speakers had stressed the importance of effective participation by all groups, with a view to establishing true pluralism.

59. He agreed with Mr. Guissé that the issue of minority rights was not synonymous with that of separatism, but he also agreed with Ms. Hampson's comment that, if ethnic groups were denied their political aspirations, including assertion of their identity in a country's political process, the desire for separatism could arise, and had done so in some cases.

60. With regard to an observation made by the observer for Slovakia, he himself had warned, on previous occasions, of the possible risk involved in the idea that ethnicity and nationhood were coterminous. As for the comment by the observer for India, the Working Group did not intend to develop a complaints mechanism, but, pursuant to its mandate would certainly provide ample opportunity for dialogue involving minorities and any Governments concerned; the latter could either be represented in the Working Group's meetings or transmit information.

61. Mr. GUISSÉ cautioned that the very fact that a minority might be in a situation deemed to warrant a call for separatism could encourage disregard for national law. Events had shown that, far from protecting a minority, separatist action could consign it to a situation of constant conflict. It should be stressed that the Working Group had no interest in encouraging any minority to regard itself as having its rights disdained, but, rather, urged all States to shape and apply their domestic laws in such a way as to promote harmony and discourage separatism.

62. Mr. EIDE said that he agreed. Indeed, article 8, paragraph 4, of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities stated that nothing in that instrument might be construed as permitting any activity against the sovereign equality, territorial integrity and political independence of States. The Working Group's approach was to encourage States so to arrange their internal structure and legislation as to ensure the full enjoyment of the social and political order by all groups, precisely in order to avoid any feeling of alienation that could be detrimental to the State's integrity.

63. Mr. SIK YUEN said that he appreciated the positive approach reflected in the statements by the observers for the Czech Republic and Slovakia with regard to the situation of the Roma. He would welcome continued cooperation, including the supply of further information, from all the Governments and NGOs concerned.

The meeting rose at 8.55 p.m.